

THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DAVID J. CATANZARO,
286 Upper Powderly Street
Carbondale, Pennsylvania 18407

Plaintiff,

VS.

LYKART TECHNOLOGIES LLC,
GROWKART, TRANSFORM SR
BRANDS LLC, KMART, KMART.COM,
SEARS, SEARS.COM, ALPHABET INC.,
GOOGLE LLC, YOUTUBE.COM,
POSHMARK INC., STL PRO, INC.,
TARGET CORPORATION,
TARGET.COM, TOTALHILL.COM,
MICROSOFT CORPORATION, INC.,
APPLE INC. and MOZILLA
CORPORATION

Defendants.

Case No. 3:22-cv-1754

Judge Joseph F. Saporito, Jr.

Referred to: Phillip J. Caraballo

JURY TRIAL DEMANDED

FILED
SCRANTON

MAR 04 2025

PER 
DEPUTY CLERK

**PLAINTIFF'S MOTION FOR LEAVE TO FILE FOURTH AMENDED
COMPLAINT**

Plaintiff, David J. Catanzaro, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, respectfully moves this Court for leave to file a Fourth Amended Complaint. This amendment seeks to (1) remove Defendants that are out of business and cannot be served, (2) expand on asserted claims of **willful blindness and contributory infringement** against search engine and browser defendants, and (3) introduce a new request for relief. In support of this Motion, Plaintiff states as follows:

I. PROCEDURAL HISTORY

1. Plaintiff initiated this action alleging patent infringement of U.S. Patent No. 7,653,959 B1 (the “959 patent”).
2. Plaintiff filed a Third Amended Complaint naming various defendants, all of whom have currently been properly served (except one last defendant now in the proses of being served).
3. While some Defendants have appeared, none have yet answered the Third Amended Complaint.
4. Several named Defendants are now **out of business** and cannot be served; therefore, they should be **removed** from the complaint.

Plaintiff now seeks leave to file a **Fourth Amended Complaint** to streamline the Defendants, expand the legal theories with respect to **contributory infringement and willful blindness**, and introduce a new request for relief.

II. NO UNDUE DELAY OR PREJUDICE

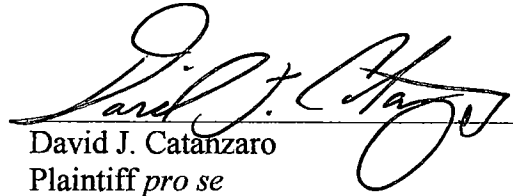
8. Plaintiff has **acted diligently** in seeking this amendment as soon as it became necessary.
9. No Defendant has **answered** the Third Amended Complaint, meaning this amendment **will not cause prejudice**.
10. Allowing this amendment will ensure that **justice is served** by holding Defendants accountable for their role in patent infringement.

III. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court grant **leave to file the Fourth Amended Complaint**. A proposed order is attached for the Court’s convenience.

Date March 4, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Catanzaro", written over a horizontal line.

David J. Catanzaro
Plaintiff *pro se*
286 Upper Powderly Street
Carbondale, PA 18407
Phone: (570) 936-9262
E-mail: davidjosephus@aol.com

CERTIFICATE OF SERVICE

I, David J. Catanzaro, hereby certify that on February 12, 2025 I have served a true and correct copy of Plaintiff's Verified Forth Amended Complaint to the following parties via electronic mail, where available, and otherwise by first-class mail:

Lykart Technologies, LLC, and GrowKart
30 N Gould St Suite 5707
Sheridan, WY 82801, US

John V. Gorman MORGAN,
LEWIS & BOCKIUS LLP
2222 Market Street
Philadelphia, PA 19103
john.gorman@morganlewis.com

Bridget E. Montgomery,
ECKERT SEAMANS CHERIN & MELLOTT, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
bmontgomery@eckertseamans.com

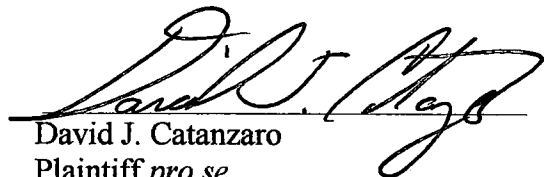
Target Corporation & Target.com
1000 Nicollet Mall, Minneapolis,
Minnesota, 55403

Microsoft Corporation, Inc.
One Microsoft Way,
Redmond, WA 98052

Apple Inc.
One Apple Park Way
Cupertino, CA 95014

Mozilla Corporation
149 New Montgomery Street, 4th Floor,
San Francisco, CA 94105.

Date March 4, 2025


David J. Catanzaro
Plaintiff *pro se*
286 Upper Powderly Street
Carbondale, PA 18407
Phone: (570) 936-9262
E-mail: davidjosephus@aol.com

**THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID J. CATANZARO,

Plaintiff

V.

LYKART TECHNOLOGIES LLC., *et al*,

Defendants

:
:
:
:
:
:

CIVIL ACTION NO. 3:22-cv-1754

JUDGE JOSEPH SAPORITO

REFERRED TO: PHILLIP J. CARABALLO

ORDER

Pending before the court is the plaintiff's motion to file a Forth amended complaint (**Doc. 50**).

Upon review of the plaintiff's filing, **IT IS HEREBY ORDERED THAT:**

- (1) The plaintiff's motion to file a Forth amended complaint is GRANTED.**
- (2) The Clerk of Court is directed to docket Plaintiff's Forth Amended Complaint and Exhibits.**

**Phillip J Caraballo
Magistrate Judge**

DATE: